

Janet Napolitano
Governor

Robert J. Maynard, O.D.
President

Robert B. Pinkert, O.D.
Vice President



Arizona State Board of Optometry
1400 West Washington, Suite 230
Phoenix, AZ 85007

Jack Confer
Executive Director

Telephone (602) 542-8155 • Fax (602) 542-3093

MEETING NOTICE AND AGENDA FOR REGULAR SESSION MEETING JULY 23, 2004 SCHEDULED TO COMMENCE AT 9:00AM

Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations by contacting the Arizona State Board of Optometry (ASBOO) Executive Director, Jack Confer, at (602) 542-8155. Requests should be made as early as possible to allow time to arrange the accommodation.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the general public and to the members of the Arizona State Board of Optometry, that a regular meeting, open to the public, will be held on July 23, 2004 at 9:00AM. The meeting will be held at 1400 West Washington, B-1 (Basement) in Phoenix, AZ. For further information regarding agenda material, please contact Margaret Whelan, Licensing Administrator, at (602) 542-8164.

The Board reserves the right to change the order of items on the agenda, except for public hearings set for a specific time. Please note that any recommendations listed on the agenda are merely suggested Board actions.

These recommendations do not become final until adopted by the Board. The Board has the authority to accept, reject or modify any recommendation listed on the agenda.

Board Members

Robert J. Maynard, O.D., President
Robert B. Pinkert, O.D., Vice President
Caroline Griego, O.D.
Christina M. Sorenson, O.D.
Curtis R. Winkler, M.D.
Lawrence Ponemon, PhD

Staff:

Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

Legal Counsel:

Blair Driggs, Assistant Attorney General

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|-------------------------------|--------------------|
| A. CALL TO ORDER: | Dr. Maynard |
| B. ROLL CALL: | Ms. Whelan |
| C. PRESIDENT'S REPORT: | Dr. Maynard |

D. FORMAL HEARING:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). In addition, the board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

- 26. ASBOO vs. Tim Takeoka, O.D., Docket# 04-200243-OBA
- 27. POSTPONED
- 28. ContactLensEtc & American Lens Corporation, Docket#04-200259-OBA

E. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). In addition, the board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

- 29. ASBOO vs. Stephen L. Christensen & Optometric Special Testing Centers, Inc., IR#200404 [Mr. Confer]
- 30. R.H. vs. Arlynn B. Roper, O.D., IR#200410 [Dr. Sorenson]
- 31. POSTPONED [Dr. Winkler]
- 32. M.A. vs. Kevin L. Helmuth, O.D., IR#200413 [Dr. Maynard]
- 33. J.E. vs. Jeffrey M. Gallen, O.D., Stacey Holdsworth, O.D., & Douglas C. Miner, O.D., IR#200414 [Dr. Pinkert]
- 34. ASBOO vs. James C. Francois, O.D., IR#200415 [Dr. Sorenson]
- 35. POSTPONED [Dr. Maynard]
- 36. F.B. vs. Steven H. Weisman, O.D., IR#200417 [Dr. Ponemon]
- 37. ASBOO vs. Wal-Mart Inc., IR#200401 [Mr. Confer]
- 38. ASBOO vs. Eyeglass World, Inc., IR#200405 [Dr. Griego]
- 39. D.F. vs. Sears Optical, IR# 200424 [Mr. Confer]
- 40. ASBOO vs. Sheri Mortenson-Lamb & RJ Mortensen, IR#200244 [Mr. Confer]
- 41. J.H. vs. Walgreen's Pharmacy, IR#200249 [Mr. Confer]
- 42. ASBOO vs. Mike Perry, IR#200330 [Mr. Confer]

F. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. § 32-1704 (D) and A.A.C. R4-21-208.

The Board may hold an executive session to receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

	Continuing Education	Date	No. of hours requested
a.	Symposium on Cataract IOL & Refractive Surgery Congress	5/1-5/5/04	28 Regular
b.	Low Vision for the Non Low Vision Practitioner	7/25/04	6 Regular

G. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATIONS:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

Burger, Jerry
 Charania, Zuhair
 Hoang, Vanna
 Iverson, Robert

Miesner, Nicole
Stroud, James

H. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING ENDORSEMENT LICENSE APPLICATIONS:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

43. Ronald P. Kleinman
Benkel, Jerome
Deckert, Brian

I. REVIEW, DISCUSSION AND POSSIBLE VOTE ON REQUEST FROM DR. PURBA FOR BOARD SPONSORSHIP OF NATIONAL BOARD EXAMINATION:

44. REMOVED FROM AGENDA

J. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES.

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

- 45. May 21, 2004, Regular Meeting Minutes
- 46. June 25, 2004, Special Teleconference Meeting Minutes
- 47. June 25, 2004, Special Teleconference Executive Session Minutes
- 48. June 30, 2004, Special Teleconference Meeting Minutes

K. EXECUTIVE DIRECTOR'S REPORT:

The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

- 49. Budget Report (Information Only)
Budget Summary Report
- 50. Board Statistics (Information Only)
- 51. Summary of Investigative Reviews (Possible Discussion)
- 52. Board Correspondence
- 53. ARBO Update

L. NEW BUSINESS, FUTURE AGENDA ITEMS AND DISCUSSION ITEMS

M. CALL TO PUBLIC:

Dr. Maynard

Those wishing to address the Board need not request permission in advance; however, the Board may limit time of those persons speaking during the Call to the Public. Pursuant to A.R.S. § 38-431.02 (H), the Board can only take action on matters listed on the agenda. If appropriate, actions on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or schedule the matter for further discussion at a later date.

END OF AGENDA:

Jack Confer, Executive Director

Date